

### REMARKS

Favorable reconsideration of this application is requested in view of the following remarks.

Claims 1 and 16 have been amended to clarify that the surfaces that define the reaction space do not include electrodes as supported by the specification at page 5, lines 5-10, which differentiates the colorimetry method using the color-developing reagent and an electrochemical method using electrodes, and the figures, for example, Fig. 1 – Fig. 3. Accordingly, claims 2-3, 5-10, and 17-24 have been amended editorially. Claims 1 and 16 further have been amended editorially.

Claims 1-3, 5-10, and 16-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al. (Japanese Patent Application Publication No. 2002-333420) in view of Mochida et al. (U.S. Patent No. 5,147,607). Applicants respectfully traverse this rejection.

Claim 1 is directed to an electrode-free analyzing tool and recites that the tool includes a reagent, which includes a color-developing reagent, in both first part and second part. Claim 1 further recites that the first and second parts face each other by being provided on electrode-free surfaces facing each other. The color-developing reagent generally generates a color signal when contacting and reacting with a particular component in a sample, and the color signal is measured by colorimetry (see page 5, lines 5-10 of the specification), as recited in claim 16.

Watanabe discloses a biosensor including electrodes such as a working electrode and a counter electrode formed on a base plate (see abstract, para. [0007], and Fig. 5). Watanabe is directed to an analyzing tool that generates electrical signals through a reaction between a sample and a reagent, and the electrical signals are transmitted through the electrodes (see *id.*). Thus, the subject matter of Watanabe is completely different from that of claim 1.

In addition, in Watanabe, an electron mediator-buffer layer is formed on the base plate, which includes the electrodes, and an enzyme-surfactant layer is formed on the plate facing the base plate (see Figs. 5-6 and para. [0032]). The enzyme, which reacts with cholesterol in a sample solution, is provided in the enzyme-surfactant layer facing the base plate, and the buffer, which adjusts pH of the sample solution, is formed on the base plate (see *id.* and para. [0008]). Watanabe thus fails to disclose the first and second parts both including a reagent and formed on the surfaces facing each other.

The rejection relies on Mochida's disclosure of a reagent that develops color (see coln. 14, lines 49-52). Even if Watanabe were combined with Mochida, which Applicants do not concede, the Mochida's reagent would be provided on the plate facing the base plate of Watanabe, i.e., provided on only one of the first or second part. By having the reagent on both surfaces facing each other, measurement time of the electrode-free analyzing tool of claim 1 can be shortened (see page 31, line 19 – page 32, line 4 of the specification). For example, the analyzing tool of claim 1 having a distance between the surfaces of 120  $\mu\text{m}$  can provide a plateau of the color development within almost the same period of time, such as about 10-15 seconds, as a tool having the distance of 60  $\mu\text{m}$  and the color-developing reagent on one surface, while a tool having the distance of 120  $\mu\text{m}$  and the reagent on one surface cannot provide the plateau within the measurement period of 30 seconds (see Figs. 19A-19C and table 2 on page 30 of the specification).

Moreover, even if the color-developing reagent of Mochida were placed on both plates as the rejection contends, which again Applicants do not concede, the reagent also is provided on the base plate having the electrodes. Thus, the combination of Watanabe and Mochida does not disclose the analyzing tool that provides the reagent portion including the first and second parts facing each other on electrode-free surfaces and containing the color-developing reagent as claim 1 recites.

Further, as discussed above, Watanabe is directed to an analyzing tool that analyzes a component in a sample by detecting electrical signals transmitted through the electrodes. Such electrical signal based analyzing tool is completely different from the color signal based analyzing tool recited in claim 1. Accordingly, there is no reasonable basis to combine Watanabe, which is directed to the electrical signal based analyzing tool (see abstract and Figs. 5-6), with Mochida's color developing reagent (see coln. 14, lines

49-52). Because the subject matter of Watanabe is completely different from that of claim 1 and the electrodes are formed on the base plate in Watanabe (see Figs. 5-6), the advantages, such as short measuring time, of the analyzing tool of claim 1 having the reagent portion including the first and second parts provided on electrode-free surfaces facing each other and containing the color-developing cannot be expected from Watanabe and Mochida.

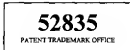
Accordingly, claim 1 and claims 2-3 and 5-10, which ultimately depend from claim 1, are distinguished from Watanabe in view of Mochida.

Claim 16 is directed to an electrode-free analyzing tool and recites that the tool includes a reaction space formed with electrode-free surfaces, which are facing each other, and that one of the electrode-free surfaces retains a reagent including a color-developing reagent. As discussed above, the subject matter of claim 16 is completely different from Watanabe, which is to measure an amount of cholesterol in a sample by providing electric signals and transmitting the signals through the electrodes (see abstract and Figs. 5-6), and there is no reasonable basis to combine Watanabe and Mochida.

In addition, the analyzing tool of Watanabe includes the base plate on which the electrodes are formed, and the reaction space of Watanabe is defined with surfaces including the base plate (see Figs. 5-6). Watanabe fails to disclose that the reaction space is defined by electrode-free surfaces as claim 16 recites. Mochida does not remedy the deficiencies of Watanabe. Thus, claim 16 and claims 17-24, which ultimately depend from claim 16, also are distinguished from Watanabe in view of Mochida.

Accordingly, this rejection should be withdrawn.

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance.

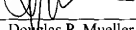


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